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Attorneys for Plaintiff and Counter-Defendant CENTOCOR ORTHO BIOTECH, INC. and Third-Party Defendants GLOBAL PHARMACEUTICAL SUPPLY GROUP, LLC, CENTOCOR BIOLOGICS, LLC and JOM PHARMACEUTICAL SERVICES, INC.

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CENTOCOR ORTHO BIOTECH,
INC.,

Plaintiff,

v.

GENENTECH, INC. and CITY OF
HOPE,

Defendants.

Case No. CV 08-03573 MRP (JEMx)

**CENTOCOR ORTHO BIOTECH,
INC. AND ITS COUNTER-
DEFENDANT AFFILIATES'
APPLICATION TO FILE UNDER
SEAL:**

**1. MEMORANDUM IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT OF ANTICIPATION**

2010 JUL 13 PM 1:00
CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY *SP*

FILED

1 AND RELATED COUNTER AND
2 THIRD-PARTY ACTIONS.

(MOTION NO. 5)

**2. STATEMENT OF UNDISPUTED
FACTS IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT OF
ANTICIPATION (MOTION NO. 5)**

Date: August 17, 2010

Time: TBA

Place: Hon. Mariana Pfazler,
Courtroom 12

7 Pursuant to Local Rule 79-5.1, Plaintiff Centocor Ortho Biotech, Inc.
8 (“Centocor”) and its Cross-Defendant Affiliates seek leave to file the following
9 documents under seal:

- 10 1. Memorandum in Support of Centocor Ortho BioTech, Inc. and its Cross
11 Defendant Affiliates’ Motion for Summary Judgment of Anticipation
12 (Motion No. 5) (“Memorandum”); and
- 13 2. Statement of Undisputed Facts and Conclusions of Law in Support of
14 Centocor Ortho BioTech, Inc. and its Cross Defendant Affiliates’
15 Motion for Summary Judgment of Anticipation (Motion No. 5)
16 (“Statement of Undisputed Facts”).

17 The documents to be filed under seal contain or reflect confidential business
18 information that is subject to confidentiality provisions. Specifically, the
19 Memorandum cites to and discusses various supporting exhibits, including Exhibits
20 16, 28, and 34 which contain confidential details regarding Genentech’s
21 pharmaceutical research and development. These exhibits, cited and referenced in the
22 Memorandum, have been designated as Confidential pursuant to the terms of the
23 Protective Order. Similarly, the Statement of Undisputed Facts cites to and references
24 these same Confidential Exhibits.

25 Also, balancing the potential harm to Centocor, Genentech and third parties if
26 the sensitive business information is released into the public with the relatively low
27 public harm for nondisclosure of this information favors prohibiting disclosure.
28

1 For the foregoing reasons, Centocor respectfully requests that the Court grant
2 this Application and order the aforementioned documents be filed under seal.
3

4 Dated: July 12, 2010

Respectfully submitted,

5 CONNOLLY BOVE LODGE & HUTZ LLP

6 By: _____

Keith D. Fraser

7 Attorneys for Plaintiff CENTOCOR ORTHO
8 BIOTECH, INC. and Third-Party Defendants
9 GLOBAL PHARMACUETICAL SUPPLY GROUP,
10 LLC, CENTOCOR BIOLOGICS, LLC and JOM
11 PHARMACEUTICAL SERVICES, INC. LLC and
12 JOM PHARMACUETICAL SERVICES, INC.
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